

REMARKS

This Amendment is being filed in response to the Office Action mailed on May 11, 2010, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2, 4-16 and 19-26 are pending in the application, where claims 17-18 had been previously canceled without prejudice, claim 3 has been currently canceled without prejudice, and claims 19-24 has been currently. Claims 1 and 22 are independent.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority documents. Applicants further thank the Examiner for acknowledging receipt and consideration of the Information Disclosure Statement filed on June 22, 2006.

By means of the present amendment, the drawings have been amended to change reference numeral "36" to --37-- in FIG2. Further, FIG 5a has been amended to change reference numeral "5" to --20'-- , change reference numeral "6" to --21'-- , and change reference numeral "36" to --46-- . In addition, the specification has also been amended for conformance with the drawing changes. Replacement sheets including FIGs 2d and 5a is enclosed. Further, annotated marked-up version of the sheets including FIGs 2d and 5a are also enclosed for convenience. Applicants respectfully request approval of the enclosed proposed drawing changes.

By means of the present amendment, the current Abstract has been deleted and substituted

with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended to correct certain informalities.

By means of the present amendment, claims 1-2, 4-16 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A', and changing "characterized in that" to --wherein--. Such amendments to claims 1-2, 4-16 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner suggested adding headings to the specification. Applicants gratefully acknowledge the Examiner's suggestion, however respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a), and could be inappropriately used in interpreting the specification.

In the Office Action, the Examiner objected to claims 1-16 for certain informalities in claims 1 and 13. In response, the claims have been amended to remove the noted informalities as well as other informalities. Accordingly, withdrawal of the objection to claims 1-16 is respectfully requested.

In the Office Action, claims 1-16 are rejected under 35 U.S.C. §112, second paragraph. In response, independent claim 1 has been amended for better conformance with 35 U.S.C. §112, second paragraph. It is respectfully submitted that this rejection of claims 1-16 is overcome. Accordingly, withdrawal of this rejection is respectfully requested.

In the Office Action, claims 1-8, 11-12 and 14-16 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,289,796 (Fung). Further, claim 9 is rejected under 35 U.S.C. §103(a) over Fung.

Claim 10 is rejected under 35 U.S.C. §103(a) over Fung in view of U.S. Patent No. 5,862,740 (Gross). Claim 13 is rejected under 35 U.S.C. §103(a) over Fung in view of U.S. Patent No. 5,473,972 (Rizzuto). Applicants respectfully traverse and submit that claims 1-2, 4-16 and 19-26 are patentable over Fung, Gross and Rizzuto for at least the following reasons.

Fung is directed to a hot milk dispenser that supplies either frothed milk or non-frothed milk based on the position of a knob 14 that selects either a first nozzle 17 for providing frothed milk (FIG 3), or a second nozzle 18 for providing non-frothed milk (FIG 4). The Fung hot milk dispenser is a unitary device where no parts appear to be detachably connected to the dispenser. Even if some parts are detachably connected to the dispenser, there is still no disclosure or suggestion of a cartridge that includes the following items: (1) a reservoir, (2) a liquid transport channel, (3) means for transporting, and (4) liquid outlet, where such a cartridge that includes these four elements is detachably connected to the dispenser. Further, Fung shows in FIGs 1 and 3-4 a milk reservoir 10 which is not sealed.

It is respectfully submitted that Fung does not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 22 which, amongst other patentable elements, recites (illustrative emphasis provided):

a reservoir that **sealably holds a liquid**;
a cartridge in which the reservoir, the liquid transport channel, the means for transporting, **and** the liquid outlet are provided, wherein the cartridge is **detachably connected** to the device beverage-making appliance.

Fung does not even disclose or suggest a "reservoir that sealably holds a liquid" let alone disclosing or suggesting a cartridge is detachably connected to the device beverage-making

appliance, where this cartridge includes the four elements noted above, namely, (1) a reservoir, (2) a liquid transport channel, (3) means for transporting, and (4) liquid outlet. Gross and Rizzuto are cited to allegedly show other features and do not remedy the deficiencies in Fung.


Accordingly, it is respectfully requested that independent claims 1 and 22 be allowed. In addition, it is respectfully submitted that claims 2, 4-16, 19-21 and 23-26 should also be allowed at least based on their dependence from independent claims 1 and 22, as well as their individually patentable elements. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

For example, Fung does not even disclose or suggest a "reservoir that sealably holds a liquid" let alone disclosing or suggesting that "the reservoir is unsealed in response to providing the device in beverage-making appliance," as recited in claims 19 and 23.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
August 4, 2010

Enclosure: Replacement drawing sheet (2 sheets including FIGs 2d and 5a)
Annotated drawing sheet (2 sheets including FIGs 2d and 5a)

THORNE & HALAJIAN, LLP

111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101